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MERCHANT & GOULD

010/014

Application Serial No. 10/784,808
Attorney Docket No. 60027.0408USC1/BS00072CON

REMARKS

This Amendment is in response to the Office Action dated November 27, 2006. Claims 1-25 were examined in the Office Action and reconsideration based on this Amendment and the following remarks are respectfully requested.

Obviousness-Type Double Patenting Rejection

Claim 1 was rejected based on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,716,101. A timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321 is being filed herewith to overcome this rejection. Applicants respectfully request that this rejection be withdrawn.

Claim Rejection - 35 U.S.C. § 103

Claims 1-4, 8-15, 17-21, and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Karp et al., U.S. Patent No. 6,154,727 (hereinafter, "Karp et al.") in view of Elliot, U.S. Patent No. 6,243,039 (hereinafter, "Elliot"). Applicants respectfully traverse this rejection because the cited references alone or in combination do not teach or suggest each and every feature of amended independent claims 1, 15, and 20. The Office Action is silent with respect to claims 5-7, 16, and 22.

Amended claim 1 is allowable over the cited references at least because it recites "at least one wireless communications device having a transmitter for continuously transmitting control signals even when the wireless communications device is turned off." This amendment is supported in the specification at least on page 17, lines 1-7. Claims 15 and 20 have similar recitations.

In contrast, Karp discloses a system and method for tracking clients as they visit locations. This system and method requires communication devices to be turned on and communication with the clients in order to transmit data and track the clients. (See abstract and column 2, lines 52-60). The Office Action acknowledges that Karp is silent on an Internet server for providing location information to authorized users but relies on Elliot to resolve this deficiency.

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Elliot discloses a system that tracks current and historical locations of a GPS locator device carried by a person. The transmission of the devices location requires a trigger. (See abstract). Claim 1 is allowable over Elliot at least because Elliot is silent with respect to transmitting control signals when the locator device is turned off. Also, because the location transmission requires a trigger, Elliot does not disclose continuously transmitting control signals. Thus, neither Karp nor Elliot alone, or in combination, teach or suggest claims 1, 15, and 20. Thus, claims 1, 15, and 20 are allowable over Karp in view of Elliot.

Dependent Claims

For at least the reasons given above, Applicants respectfully submit that claim 1 is allowable over Karp et al. in view of Elliot. Since claims 2-4 and 8-14 depend from claim 1 and recite further claim features, the claims are also allowable for at least these reasons. Independent claims 15 and 20 recite similar features as claim 1 and are thus allowable over Karp et al. in view of Elliot for at least the same reasons. Claims 17-19 depend from claim 15 and recite further claim features. Claims 21 and 23-25 depend from claim 20 and recites further claim features. Therefore, these claims are also allowable for at least these reasons. Thus, it is respectfully submitted that the rejection of claims 1-4, 8-15, 17-21, and 23-25 should be withdrawn.

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CONCLUSION

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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